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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,575	10/24/2003	Katsuya Sakaguchi	Q78019	6941
23373 7590 03/17/2006 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KIM, WESLEY LEO	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,575	Applicant(s) SAKAGUCHI, KATSUYA	
	Examiner Wesley L. Kim	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Amendment filed on 11/18/05.

- Claims 1, 3-4, 6-7, and 10 are currently amended.
- Claims 2, 5, and 8-9 are in their original form.
- Claims 11-12 are newly added.
- Claims 1-12 are pending in the current Office Action. This Action is made FINAL.

Response to Arguments

Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The examiner notes the submission of the amended specification (i.e. TITLE) submitted on 11/18/05. The amendment makes the title more descriptive and therefore the examiner approves of the changes made to the title.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claim 1, the amendments to the claim are considered new matter by the examiner. The amendment contains new matter regarding the positioning of the light emitting surface which was not described in the specification, "direction that is at an angle greater than zero degrees to the surface of the wiring board above which the light emitting section is positioned". To the examiner, the claim recites very specific design-oriented limitations, i.e. measurements and angles of light emitting surface, which is not taught in the specification. If the examiner is incorrect, the examiner would like the applicant to point out exactly where (i.e. Page, Column, and/or Line) the teaching is recited.

Regarding Claim 3, the amendments to the claim are considered new matter by the examiner. The amendment contains new matter regarding the space section, "the space section is an oblong space". To the examiner, the claim recites the shape of the space section as being an oblong space, which is not taught in the specification. If the examiner is incorrect, the examiner would like the applicant to point out exactly where (i.e. Page, Column, and/or Line) the teaching is recited.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The term "substantially" and "substantial" in **claims 11 and 12** are relative terms which render the claims indefinite. The term "substantially" and "substantial" are not

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defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The examiner will examine the claims to the best of his understanding of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) in view of Sandelius et al (U.S. Patent 6850776 B1).

Regarding Claim 1, Kimiaki teaches a case (Drawing 1;100, phones have cases as can be seen); a light emitting section within the case (Drawing 4; 4 LED is a light emitting section within the case); a window section formed in a surface of the case (Drawing 4; 2, transparency aperture is a window on the surface of the case); a wiring board located in the case (Par.2;9-11, circuit board 3 is a wiring board), the light emitting section being positioned above a surface of the wiring board (Drawing 4;4, LED 4 is positioned above a surface of the wiring board 3), however Kimiaki **is silent on** the light emitting section having a light emitting surface directed in a direction that is at an angle greater than zero

degrees to the surface of the wiring board above which the light emitting section is positioned.

Sandelius teaches light emitting section (i.e. LEDs) have a light emitting surface directed in a direction that is at an angle greater than zero degrees to the surface of the wiring board above which the light emitting section is positioned (Fig.2; it is obvious that the all the components within the mobile phone, i.e. 30, 22, 40, 50, etc. are all positioned on a circuit board 21 and the LED 22 has a light emitting surface directed in a direction that is at an angle greater than zero degrees to the surface of the wiring board above which the light emitting section is positioned, especially since the surface of the LED is semi-circular, to the examiner the surface of an LED ranges from 0-90 degrees to the surface of the wiring board due to the semi-circular surface).

To the examiner it would have been obvious to modify Kimiaki with Sandelius, since they are from similar search areas, viz. electronic apparatus having visual indicator means, such that the light emitting section having a light emitting surface directed in a direction that is at an angle greater than zero degrees to the surface of the wiring board above which the light emitting section is positioned, to provide a method of directing the light source (LED) directly towards a light indicator window so that the user may more clearly see the light illuminating the light indicator window.

Regarding Claim 2, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section is

attached to the wiring board (Drawing.4; wiring board(3) and light emitting section(4) are connected).

Regarding Claim 3, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the space section is a oblong space (Drawing.13; the space between light emitting section(4) and transparent window(2) is enclosed by two parallel walls, i.e. oblong where oblong is defined as having a somewhat rectangular shape).

Regarding Claim 4, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section is disposed in the space section (Drawing.13; light emitting section(4) is in the space section).

Regarding Claim 5, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Sandelius further teaches the light emitting section is capable of emitting red, green, or blue light beams (Col.1;42-44, red and green lights and Col.4;28-30, blue light).

Regarding Claim 8, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the window section is translucent (Abstract; 6-9 and Drawing.4;2 and 5, 5 is translucent and 2 is transparent so the window is translucent).

Regarding Claim 9, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the window section is creamy white (Abstract;6-9 and Drawing.4;2 and 5, milky-white is creamy white).

Regarding Claim 10, Kimiaki and Sandelius teach all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section emits light when a call arrives at the portable terminal device (Description of Prior Art; line 23, LED is lit at the time of charge and arrival, where arrival is a call arrival).

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) and Sandelius et al (U.S. Patent 6850776 B1) in further view of Ariga et al (U.S. Patent 5486816).

Regarding Claim 6, Kimiaki and Sandelius teach all the limitations as recited in claim 1, however the combination **is silent on** the light emitting section is a light emitting diode of side emitting type.

Ariga teaches an LED is a side emitting type (Col.6;17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimiaki and Sandelius, such that the light emitting section is a light emitting diode of side emitting type, to provide a mobile device which would have a window displaying the light raised off of the surface of the phone.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) and Sandelius et al (U.S. Patent 6850776 B1) in further view of Shang (U.S. Patent 3727115).

Regarding Claim 7, Kimiaki and Sandelius teach all the limitations as recited in claim 1, however the combination **is silent on** the light emitting section is a light emitting diode of surface emitting type.

Shang teaches an LED is a surface emitting type (Col.3;25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimiaki and Sandelius, such that the light emitting section is a light emitting diode of surface emitting type, to provide a mobile device, which would have a window displaying the light flat against the surface of the phone.

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) in view of Applicants Admitted Prior Art (U.S. Pub. 2004/0091267 A1).

Regarding Claim 11, Kimiaki teaches a case (Drawing 1;100, phones have cases as can be seen); a window section formed in a surface of the case (Drawing 4; 2, transparency aperture is a window on the surface of the case); however Kimiaki **is silent on** a light mixing space having a plurality of surfaces within the case, at least a portion of said light mixing space being adjacent to the window section; and a light emitting section positioned such that a portion of the emitted light directly impinges on at least one of the plurality of surfaces of the light mixing space.

The Applicants Admitted Prior Art teaches a light mixing space (Fig.1B;12 and Par.5;10-11) having a plurality of surfaces within the case (Fig.1B, as can be seen in the figure, there are a plurality of surfaces within the case), at least a portion of said light mixing space being adjacent to the window section (Fig.1B;12, mixing space, and Fig.1B;3, window, the mixing space is adjacent to the window); and a light emitting section positioned such that a portion of the

emitted light directly impinges on at least one of the plurality of surfaces of the light mixing space (Fig.1B, the surface just above the LED diodes 11 is positioned such that a portion of the emitted light directly impinges on a surface of the light mixing space).

To one of ordinary skill in the art, it would have been obvious to modify Kimiaki, such that a phone has a light mixing space having a plurality of surfaces within the case, at least a portion of said light mixing space being adjacent to the window section; and a light emitting section positioned such that a portion of the emitted light directly impinges on at least one of the plurality of surfaces of the light mixing space, to provide a method of mixing light within the casing of the mobile phone so that up to 7 different colors may be visible to the user from the window.

Regarding Claim 12, the Applicants Admitted Prior Art teaches light emitting section is located above a wiring board (Fig.1B, LED 11 above wiring board 2) within the case (Fig.1A, mobile phones have cases) and the light mixing space (Fig.1B; 12) is located between the window section (Fig.1B; 3) and an edge of the wiring board (Fig.1B; wiring board, the light mixing space is between the window and the wiring board).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK


GEORGE ENG
SUPERVISORY PATENT EXAMINER